

**September 21, 2005**

**DECISION AND ORDER  
OF THE DEPARTMENT OF ENERGY**

**Appeal**

Name of Petitioner: Joseph T. Maddox

Date of Filing: August 19, 2005

Case Number: TFA-0116

This Decision concerns an Appeal that was filed by Joseph T. Maddox in response to a determination issued to him by the Department of Energy's Oak Ridge Office (Oak Ridge). In that determination, Oak Ridge replied to a request for documents that Mr. Maddox submitted under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, as implemented by the Department of Energy (DOE) in 10 C.F.R. Part 1004. Oak Ridge stated that no documents responsive to Mr. Maddox's request could be located. This Appeal, if granted, would require that Oak Ridge conduct another search.

In his FOIA request, Mr. Maddox sought access to medical, payroll, personnel, radiation exposure and industrial hygiene records pertaining to the employment of his father, Jesse H. Maddox, as a sheet metal worker at the Portsmouth, Ohio Gaseous Diffusion Plant. \* As previously indicated, Oak Ridge replied that a search of its facilities failed to produce any responsive documents. In his Appeal, Mr. Maddox challenges the adequacy of Oak Ridge's search.

We have stated on numerous occasions that a FOIA request deserves a thorough and conscientious search for responsive documents, and we have not hesitated to remand a case where it is evident that the search conducted was in fact inadequate. *See, e.g., Butler, Vines and Babb, P.L.L.C.*, 25 DOE ¶ 80,152 (1995). The FOIA, however, requires that a search be reasonable, not exhaustive. "[T]he standard of reasonableness which we apply to agency search procedures does not require absolute exhaustion of the files; instead, it requires a search reasonably calculated to uncover the sought materials." *Miller v. Department of State*, 779 F.2d 1378, 1384-85 (8th Cir. 1985); *accord, Weisberg v. Department of Justice*, 745 F.2d 1476, 1485 (D.C. Cir. 1984). In cases such as these, "[t]he issue

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\*/ In his request, Mr. Maddox did not identify his father's employer or provide dates of employment. However, in a September 9, 2005 telephone conversation with Robert Palmer of this Office, he said that he believed that his father worked at the Portsmouth plant from the early 1950s to the mid-1960s or early 1970s. *See* memorandum of September 9, 2005 telephone conversation between Mr. Maddox and Mr. Palmer.

is not whether any further documents might conceivably exist but rather whether the government's search for responsive documents was adequate." *Perry v. Block*, 684 F.2d 121, 128 (D.C. Cir. 1982).

In order to ascertain the scope of the search that was performed, we contacted Oak Ridge, which is the DOE Office that oversees the Portsmouth facility. We were informed that a computerized search of databases maintained by Oak Ridge and by the East Tennessee Technology Park (which is comprised of the former K-25 plant and other facilities involved in nuclear weapons production) utilizing the elder Maddox's name and social security number was performed for each category of records requested. Mr. Maddox's request was also referred to United States Enrichment Corporation, the Management and Operations contractor at the Portsmouth Gaseous Diffusion Plant, and Bechtel Jacobs Company, another Portsmouth contractor, for searches of their records. No responsive documents were identified in any of these searches. *See* memorandum of September 14, 2005 telephone conversation between Leah Ann Schmidlin, Oak Ridge and Mr. Palmer. Based on the information provided to us, we conclude that the search was reasonably calculated to produce the requested documents, and was therefore adequate. We will therefore deny Mr. Maddox's Appeal.

It Is Therefore Ordered That:

(1) The Freedom of Information Act Appeal filed by Joseph T. Maddox, Case Number TFA-0116, is hereby denied.

(2) This is a final order of the Department of Energy from which any aggrieved party may seek judicial review pursuant to 5 U.S.C. § 552(a)(4)(B). Judicial review may be sought in the district in which the requester resides or has a principal place of business, or in which the agency records are situated, or in the District of Columbia.

George B. Breznay  
Director  
Office of Hearings and Appeals

Date: September 21, 2005